

Message Text

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ACTION SCS-03

INFO OCT-01 ARA-06 ISO-00 L-03 DHA-02 H-01 SCA-01
AID-05 IGA-02 EB-07 JUSE-00 SNM-02 DEAE-00 PRS-01
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-----262130Z 064054 /21
R 262040Z MAY 77
FM AMEMBASSY LA PAZ
TO SECSTATE WASHDC 5499

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E.O. 11652: N/A
TAGS: CASC, BL
SUBJECT: US PRISONERS

1. ON WEDNESDAY, MAY 25, MS FALCO HELD LENGTHY CONVERSATION WITH BOLIVIAN MINISTER OF INTERIOR ABOUT THE AMERICAN PRISONERS. SHE DESCRIBED THE VOLATILITY OF THE CONTINUED DELAY IN RESOLVING PRISONER CASES AND THE GREAT CONCERNS THAT HAVE BEEN PRODUCED BY THE PARENTS GROUP WITHIN THE STAFFS OF MANY CONGRESSMEN AND AMONG US NEWSPAPERMEN. SHE SAID IT WAS OF GREAT IMPORTANCE THAT AS MANY CASES AS POSSIBLE BE RESOLVED BEFORE THE JUNE 13 JUDICIAL RECESS. SHE NOTED THAT FURTHER DELAYS INVOLVING THE OLD AND MINOR CASES WOULD RESULT IN INCREASING PRESSURE, INEVITABLY LEADING TO A SENATE COMMITTEE FULL-SCALE INVESTIGATION. SHE ASKED PARTICULARLY ABOUT THE POSSIBLE ELIMINATION OF THE AUTOMATIC REVIEW BY THE SUPREME COURT, THE POSSIBILITY OF EXPEDITING THE SUPREME COURT REVIEW, AND PROMPT RELEASE OF THE FOUR WHO HAVE BEEN SENTENCED, AND WAYS OF EXPEDITING CASES IN THEIR FINAL STAGES. SHE ALSO ASKED WHETHER THERE WERE ANY OTHER STEPS THAT THE USG SHOULD CONSIDER IN SEEKING TO HELP ACCELERATE THE NARCOTICS CASES.

2. THE MINISTER OF INTERIOR SAID HE UNDERSTOOD VERY WELL THE LIMITED OFFICIAL USE

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SITUATION IN WASHINGTON AND WHY PARENTS WERE PRESSURING TO EXPEDITE THE CASE OF THEIR CHILDREN. HE SAID THAT THERE WAS LESS MOVEMENT WITHIN THE JUDICIAL PROCESS THAN HE AND PRESIDENT BANZER WOULD LIKE TO SEE BUT THAT THE COURTS AND JUDGES ARE AN INDEPENDENT BRANCH OF THE BOLIVIAN GOVERNMENT. HE SAID THAT HE AND THE SUBSECRETARY OF JUSTICE WILL CONTINUE TO DO WHAT THEY CAN TO HELP SPEED CASES BUT CANNOT MAKE

SPECIFIC COMMITMENTS EITHER AS TO ACTIONS OR TIMING OF MATTERS BEFORE THE COURTS. HE SAID HE REGRETTED SOME OF THE ARCHAIC PROCEDURES WHICH EXIST IN BOLIVIAN PENAL PROCESSING AND UNDERLINED THAT THE ENTIRE BOLIVIAN SYSTEM IS BASED ON A DIFFERENT LEGAL CODE THAN IN THE U.S. THE MINISTER SAID THAT THE GOB WAS PREPARING FOR THE POSSIBLE ELIMINATION OF THE AUTOMATIC REVIEW OF SENTENCES BY THE SUPREME COURT BUT THAT IT WAS A CHANGE WHICH COULD NOT BE MADE OVERNIGHT. HE SAID THAT THE SAME CONGESTION IN THE LOWER COURTS APPLIES ALSO TO THE SUPERIOR COURT. NONETHELESS, HE SAID THAT HE WAS MEETING WITH JUDGES AND FISCALES ON FRIDAY, MAY 27, FOR A REVIEW OF ALL OF THE CASES OF THE AMERICAN PRISONERS. HE POINTED OUT THAT IN EFFECT BOLIVIA WAS GIVING PREFERENTIAL TREATMENT TO THE AMERICANS, EVEN THOUGH THERE WERE TEN TIMES AS MANY BOLIVIAN PRISONERS AND THERE WERE PRISONERS OF MANY OTHER NATIONALITIES, PARTICULARLY COLOMBIANS. HE SAID HE WOULD COMMUNICATE WITH MS. FALCO AGAIN BEFORE HER DEPARTURE FROM BOLIVIA AFTER HIS FRIDAY MEETING.

3. I RAISED WITH THE MINISTER THE POSSIBLE PROBLEMS INVOLVED IN CHANGING JUDGES IN CASES WHICH ARE IN THEIR FINAL STAGES AS A RESULT OF REDISTRIBUTION OF WORK FOLLOWING THE APPOINTMENT OF THE NEW JUDGES. THE MINISTER TOOK NOTE OF THIS POINT AND SAID HE WOULD RAISE IT IN THE FRIDAY MEETING. I MENTIONED CASE OF SUSAN BLUM AND PAUL LOGAN, REMINDING HIM OF THE CONVERSATION THAT HE HAD HAD WITH SUSAN'S PARENTS A FEW WEEKS AGO. AGAIN THE MINISTER TOOK NOTE AND SAID HE WOULD RAISE THIS MATTER IN THE FRIDAY MEETING BUT HE CAUTIONED THAT HE IS NOT ABLE TO DICTATE TO NOR MANIPULATE THE JUDGES AND LIMITED OFFICIAL USE

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THE COURTS. THE MINISTER SAID THAT HE FELT SURE THAT ALL CASES INVOLVING AMERICANS NOW BEFORE THE COURTS, INCLUDING THE MORE SERIOUS OFFENSES WOULD HAVE BEEN DISPOSED OF WITHIN THE NEXT SIX MONTHS. HE SAID HE DID NOT WISH TO MAKE A SPECIFIC STATEMENT ABOUT TIME BECAUSE HE HAD LEARNED THAT THE COMPLEXITIES OF MOVING CASES THROUGH THE JUDICIAL SYSTEM WERE MUCH MORE INTRACTABLE THAN HE HAD EARLIER IMAGINED. THE MINISTER NOTED THAT IN HIS OPINION THE RESOLUTION OF THE CASES ALREADY IN PRISON WILL NOT END THIS PROBLEM BECAUSE AMERICANS CONTINUE TO COME TO BOLIVIA TO PURCHASE, TRANSPORT, OR USE COCAINE. SUCH OFFENDERS, HE SAID, CANNOT BE IGNORED. MS. FALCO INDICATED THAT HE WAS PROBABLY CORRECT BUT THAT THE PRESENT GROUP OF PRISONERS CONTAINS PERSONS WHO HAVE COMMITTED MINOR OFFENSES OR WHOSE CASES HAD VERY WEAK EVIDENCE AND WHO HAVE BEEN DETAINED FOR A LONG TIME. SHE SAID THAT IT IS EASIER TO DEFEND A SITUATION WHEREIN THE ACCUSED HAS BEEN OBVIOUSLY INVOLVED IN A TRAFFICKING OPERATION THAT THE PROLONGED DETENTION OF A YOUNG PERSON WITH A FEW GRAMS OF COCAINE IN HIS POSSESSION FOR PERSONAL CONSUMPTION.

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4. THE MINISTER EXPRESSED THE APPRECIATION OF PRESIDENT BANZER AND THE BOLIVIAN GOVERNMENT FOR PAST, PRESENT AND HOPED-FOR FUTURE US ASSISTANCE FOR LAW ENFORCEMENT AND COCA CROP DIVERSIFICATION WORK. HE SAID THAT THE PROFESSIONALISM OF THE POLICE FORCE IS MARKEDLY HIGHER THAN EVER BEFORE BECAUSE OF OUR HELP AND THAT THE PROJECTS FOR CROP SUBSTITUTION ARE GOOD BECAUSE OF US FINANCIAL AND TECHNICAL HELP. HE THEN SAID THAT THE GOB WISHES TO IMPROVE THE MISERABLE CONDITIONS IN THE BOLIVIAN JAILS AND WOULD VERY MUCH APPRECIATE USG FINANCIAL ASSISTANCE IN THE CONSTRUCTION OF A NEW PRISON FACILITY WHICH, HE SAID, WOULD HAVE MODERN REHABILITATION FACILITIES AND MEDICAL AND DENTAL CARE. MS. FALCO SAID THAT SHE WOULD LOOK INTO THIS BUT EXPECTED THAT THERE WOULD BE GREAT DIFFICULTIES IN OBTAINING USG FINANCING FOR A PRISON ABROAD. THE MINISTER SAID THAT IT CONTINUES TO SURPRISE HIM THAT THOSE PEOPLE AND COUNTRIES INTERESTED IN HUMAN RIGHTS SHY AWAY FROM HELPING PROVIDE MODERN JAILS BECAUSE OF INHIBITIONS. HE SAID BOLIVIA SIMPLY DOES NOT HAVE THE RESOURCES TO DO WHAT IT SHOULD TO COPE WITH THE PROBLEM OF INCREASING NUMBERS OF PRISONERS. HE THEN INDICATED THAT HE WAS CONCERNED ABOUT THE ADMINISTRATIVE DIFFICULTIES IN HANDLING US OPERATIONAL FUNDS TO SUPPORT DNSP FIELD OPERATIONS. HE SAID THERE IS ALWAYS A GAP AFTER THE SMALL AMOUNTS ALLOCATED HAVE BEEN SPENT AND BEFORE APPROVAL IS OBTAINED FROM WASHINGTON FOR REPLENISHMENT. MS. FALCO SAID THAT SHE WOULD LOOK INTO THIS AND, WITHOUT KNOWING

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THE FULL DETAILS, INDICATED A DEGREE OF SYMPATHY FOR ANY EFFORT TO MAKE THIS COOPERATION MORE EFFECTIVE. THE MINISTER CLOSED THE CONVERSATION BY REPEATING HIS STATEMENT THAT HE AND THE BOLIVIAN AUTHORITIES WOULD CONTINUE TO DO ALL THEY COULD TO HELP EXPEDITE CASES, HOPING THAT WE WOULD UNDERSTAND THAT MUCH OF THE DELAY IS WITHIN THE INDEPENDENT JUDICIARY.

5. THIS REPORT, WHICH MS. FALCO HAS NOT READ AS SHE IS ON A FIELD TRIP, IS SUBMITTED AS A MATTER OF URGENT INTEREST TO THE DEPARTMENT.
STEDMAN

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